

## **MINUTES**

### **MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ARNIE MOHL**, on February 16, 1999 at 3:00 P.M., in Room 410 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Arnie Mohl, Chairman (R)  
Sen. Ric Holden, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. Bob DePratu (R)  
Sen. John Hertel (R)  
Sen. Reiny Jabs (R)  
Sen. Greg Jergeson (D)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)  
Sen. Spook Stang (D)  
Sen. Daryl Toews (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Phoebe Olson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 429 SB 475 SB 427 SB 420  
SB 421, 2/27/1999  
Executive Action: SJR 8 SB 374 SB 429 SB 420  
SB 427

**HEARING ON SB 429**

**Sponsor:** SENATOR DEBBIE SHEA, SD 18, Butte

**Proponents:**

Tom Ebzery, MT Airport Managers  
Harold Blattie, Stillwater Co. and MACO  
Ron Mercer, Helena Airport  
Rick Griffith, Butte Airport  
Mike Ferguson, MT Aeronautics Division

**Opponents:**

Janet Ellis, Audubon Society

**Opening Statement by Sponsor:**

SENATOR DEBBIE SHEA, SD 18, Butte, said under current subdivision regulation every lease has to go to subdivision review. She said that cost could add up to \$2,000 and could get quite expensive for airport authorities. She maintained this bill would deal with that. She handed out an amendment SB042901.akw, and explained what it would accomplish. **EXHIBIT(his38a01)**

**Proponents' Testimony:**

Tom Eberzy, MT Airport Managers Association, said they supported the bill and the amendment. He believed this would be a suitable compromise and would allow things to get accomplished on a much narrower focus.

Harold Blattie, Stillwater County Commissioner, said he hoped everyone understood that this bill was a result of happenings in Stillwater county. He said that the airport was having to go through subdivision review and subdivide the airport so they could lease hanger space. He remarked that it cost the taxpayers of that county \$5,000. They urged favorable consideration of the bill and the amendment.

Ron Mercer, Helena Airport, said they were spending a lot of money on subdivision requirements for space they lease at their airport. He stood in support of the bill.

Rick Griffeth, Butte Airport, said they dealt with this on a weekly basis. He maintained they were leasing space for a lot less than it was worth. He stood in support of the bill.

**Mike Ferguson, MT Aeronautics Division**, said the state owned and operated 14 airports most of which were affected by the subdivision law. He saw this as a good step. He was in favor of the bill as amended.

**Opponents' Testimony:**

**Janet Ellis, Audubon Society**, said she was in opposition to the bill. She maintained that the amendment lessened her concerns but she rose as an opponent to emphasize the fact that the amendment was really important.

**Questions from Committee Members and Responses:**

**SENATOR STANG**, asked if when the subdivision review was done in Stillwater County if there were any major issues that came up that were not in the original planning.

**Harold Blattie**, replied there were not.

**SENATOR STANG**, asked if all the public interest criteria had already been addressed in the major planning.

**Harold Blattie**, replied the had.

**SENATOR STANG**, asked if the growth policy in SB 97 were passed, if these type of subdivisions would be necessary for review or if they would be considered minor subdivisions.

**Janet Ellis**, said she couldn't answer that. She made the comment that new airports would have to go through the subdivision law. She thought that SB 97 dealt with more local planning and she didn't think airports had to be part of the master plan.

**SENATOR DEPRATU**, asked with the amendment the way it was, if airport rental car people wanted to build a new service facility on airport land, if they would be able to build that facility without the subdivision review.

**Ron Mercer**, said he was hopeful they would be able to. He said there was still some room for interpretation of the definition.

**SENATOR DEPRATU**, asked if it would be easier without the amendment.

**Ron Mercer**, said it would be.

**SENATOR STANG**, said if they had such an extensive review with wetland mitigation, how the airport at Havre extended itself, knowing they would have problems.

**Mike Ferguson**, said the Havre Wetlands issue was manmade by a very respected aviator in the area. He explained the problems with the waterfowl and said they would not extend the runway to the east.

**SENATOR STANG**, asked if what he was saying was that the FAA in their review would not extend that so in order to do that, in their review process, they found the problems with the ducks and before they would allow the extension, the problem had to be solved.

**Mike Ferguson**, said actually the problem still existed. They could not do anything with the ducks, they would just not extend the runway in that direction in order to prevent further problems.

**SENATOR MOHL**, asked what was done in the past and if a lot of airports were out of compliance.

**Rick Griffeth**, said if you applied the true definition of the law they could probably all be out of compliance. In response to Senator Stang's question he said that what happened when they signed a Federal grant was they had to sign 67 assurances, one of which deals with mitigation of wetlands. His interpretation was they had to replace as much wetlands as they disturbed.

**Closing by Sponsor:** **SENATOR SHEA**, said she hoped they could support this legislation because it addressed some very serious problems that communities were facing.

#### **HEARING ON SB 475**

**Sponsor:** **SENATOR AL BISHOP, SD 9, Billings**

**Proponents:** None

**Opponents:** None

**Opening Statement by Sponsor:**

**SENATOR AL BISHOP, SD 9, Billings**, said SB 475 would lower the fees for a person without liability insurance and struck out

prison time of current law. He maintained it was a simple bill, but he would like to amend it a little. He explained the sections he wanted to amend, and that with the amendments the most the fine could be was \$250 and no jail time.

**Questions from Committee Members and Responses:**

**SENATOR STANG**, asked what happened if the owner sold the car during the 90 day impoundment period.

**SENATOR BISHOP**, replied that the new owner could retrieve the car immediately.

**SENATOR STANG**, thought that would only deal with issuance of plates and that it wouldn't necessarily supercede the 90 day impoundment.

**SENATOR BISHOP**, said the intent of the bill was to allow the car to be retrieved as soon as it was sold.

**SENATOR COLE**, asked if there were a lot of people out of compliance.

**SENATOR BISHOP**, said 30% to 40% of people driving on the streets right now do not have liability insurance.

**SENATOR COLE**, asked if there were a lot of people getting picked up that this bill would apply to.

**SENATOR BISHOP**, replied there were.

**SENATOR HERTEL**, asked what the main idea was behind lowering the fine.

**SENATOR BISHOP**, replied that most people could not afford the huge fine, or they would have liability insurance.

**Closing by Sponsor:**

**SENATOR BISHOP**, said this was a simple bill and he would work with the staffer on the amendments.

**EXECUTIVE ACTION ON SJR 8**

**Motion:** SEN. JERGESON moved that SJR 8 DO PASS.

**Motion:** SEN. JERGESON moved that SJR 8 BE AMENDED.

**Discussion:**

**SENATOR JERGESON**, explained what amendment SJ000801.ace would do.  
**EXHIBIT** (his38a02)

**SENATOR DEPRATU**, asked if adding Highway 93 it would include Highway 15 and Highway 90 to get it out of the state.

**SENATOR JERGESON**, said it would be the route from one end to the other.

**Vote:** Motion **carried unanimously.**

**Motion:** **SEN. JERGESON** moved that **SJR 8 DO PASS AS AMENDED.**

**Discussion:**

**SENATOR JERGESON**, claimed he had sent a copy to Senator Baucus so he could discuss it when he came to visit the committee.

**SENATOR COLE**, said this looked like it would turn out to be a \$40 million dollar project. And definitely would increase the possibility of getting funds through TEA-21.

**Vote:** Motion **carried unanimously.**

**HEARING ON SB 427**

**Sponsor:** **SENATOR MIKE SPRAGUE, SD 6, Billings,**

**Proponents:**

**Mona Jamision, General Motors Corporation**

**Opponents:**

**John Augustine, Conoco Inc.**

**Rex Manuel, Cenex**

**Dexter Busby, MT Refinery Company**

**Gail Abercrombie, MT Petroleum Association**

**Informational Testimony:**

**Jack Kane, Department of Commerce**

**Opening Statement by Sponsor:**

**SENATOR MIKE SPRAGUE, SD 6, Billings**, explained the purpose of the bill and referred to the handout he gave. **EXHIBIT(his38a03)**  
*{Tape : 1; Side : B; Approx. Time Counter : 348; Comments : turn tape over}*

**Proponents' Testimony:**

**Mona Jamsion, General Motors Corporation**, stood in support of the bill on behalf of her corporation.

**Opponents' Testimony:**

**John Augustine**, submitted written testimony. **EXHIBIT(his38a04)**  
He handed out further information. **EXHIBIT(his38a05)**

**Rex Manuel, Cenex Refinery**, said octane in motor fuels was a complex issue. He explained that raising octane would raise the prices. He agreed with John Augustine's testimony.

**Dexter Busby, MT Refinery**, stood in opposition to the bill for reasons previously stated.

**Gail Abercrombie, MT Petroleum Association**, stood in opposition to the bill. She handed out information. **EXHIBIT(his38a06)**

**Informational Testimony:**

**Jack Kane, Department of Commerce**, discussed some comments that had been made earlier and handed out information.  
**EXHIBIT(his38a07)**

**Questions from Committee Members and Responses:**

**SENATOR JABS**, asked why he went from a philosophy of deregulation to regulation.

**SENATOR SPRAGUE**, said this wasn't regulating, it was just saying to adopt the national standard.

**SENATOR JABS**, said there was a lot of old equipment on his farm and he wondered if this would force him to spend more money to operate the equipment.

**SENATOR SPRAGUE**, said his older vehicles would need higher octane to maintain the horse power it was entitled. He said it was just important to maintain consistency across the state.

**SENATOR COLE**, asked what the difference in cost would be between 85 and 87 octane.

**John Augustine**, said it would range between 5 and 6 cents per gallon.

**SENATOR COLE**, said it was his understanding that most of the state had 85 octane as the minimum requirement.

**John Augustine**, said that in the western part of the state 87 octane gas was sold because it came from out-of-state from places that were at sea level who need 87 octane.

**SENATOR COLE**, asked if you took out the western part of the state, what percentage of the state would have 85 octane as the minimum requirement.

**John Augustine**, said two-thirds of their gas is a 85.5 octane. What it would be without the western part of the state he did not know.

*{Tape : 2; Side : A; Approx. Time Counter : 425; Comments : switch to tape 2.}*

**SENATOR JERGESON**, asked if the price of 87 octane gas going to the western part of the state as it was for 85.5 octane going to the northern part of the state.

**John Augustine**, said "yes" they would be the same price so they could stay competitive.

**SENATOR JERGESON**, asked if they could use some of the savings from SB 200 to meet the higher cost of manufacturing 87 octane for everyone.

**John Augustine**, replied he did not know the answer to that question.

**SENATOR MOHL**, said in his business he had a lot of smaller engines. He maintained that he was told his smaller engines would last longer with the lower octane fuel. He wondered if they went strictly to 87 octane what would happen to those smaller engines.

**SENATOR SPRAGUE**, said he couldn't imagine that higher octane fuel could hurt your motor. He maintained the engine should run better with the higher octane.

**Closing by Sponsor:**



**SENATOR SPRAGUE**, thanked the committee for the hearing. He maintained that a segment of society that assumed the industry was producing a product that was in the best interest of the consumer. He said if they were doing that, they would be paying more attention to the standards that were set nation wide. He said the only reason they were in opposition was they made more money off the 85 octane fuel. He said there should be a standard across the state. He reminded the committee that they represented those people who drive cars everyday, not the oil company.

#### HEARING ON SB 420

**Sponsor: SENATOR DALE MAHLUM, SD 35, Missoula**

**Proponents:**

**Tim Reardon, MT Department of Justice**

**Opponents:**

**Marga Lincoln, Alternative Energy Resource Organization**

**Opening Statement by Sponsor:**

**SENATOR DALE MAHLUM, SD 35, Missoula**, said this bill was requested by the Department of Transportation and had the support of the Transportation Commission. He said the bill was intended to eliminate the controversy the commission faced relating to approving special speed zones and to reduce the amount of studies required. He said the bill established a default limit of 35 miles an hour. He reserved the right to close.

**Proponents' Testimony:**

**Tim Reardon, MT Department of Transportation**, said the rationale behind this was because the department and the commission were facing an increasing number of occasions where local authorities had asked for speed zone studies but were coming back and saying that traffic was traveling substantially faster than 25 miles an hour in urban districts. He maintained when speed studies were conducted they typically reflect the actual speed of traffic. He said the signs did not make a whole lot of difference. He said this bill would more accurately reflect a state-wide traveling speed on these rural routes. He remarked they had tried to exclude any county roads and city streets, and didn't want to change any streets that had been set by a speed study already. He maintained there was some concern that a default of 35 miles an hour was a raise some did not want to live with. He suggested an

amendment to address those concerns. He said the intent was not to jeopardize peoples safety. He made himself available for questions.

**Opponents' Testimony:**

**Marga Lincoln**, submitted written testimony. **EXHIBIT(his38a08)**

**Questions from Committee Members and Responses:**

**SENATOR STANG**, asked what part of the bill he used to describe the situation in Townsend.

**Tim Reardon**, said the example of Townsend was covered if a limit had been set by a speed study the limits of that study would stay in effect.

**SENATOR STANG**, said it was hard for him to support this bill without knowing what roads had speed studies done on them. He said there were some towns in his areas that people were not going 25mhp.

**Tim Reardon**, said the local authority of the town would have to concur or the speed limit would stay the same if his amendment was adopted.

**SENATOR STANG**, said there was not a fiscal note and he wondered what the fiscal impact would be.

**Tim Reardon**, said he didn't think there would be a huge fiscal impact because many areas were not signed.

**SENATOR STANG**, asked why there was not a fiscal note for the bill.

**Tim Reardon**, apologized, and said the bill probably should have had a fiscal note.

**SENATOR HOLDEN**, said it seemed to him that fiscal impact would not exist unless they were going to run out and change limits. He contended that this did not change limits, it just allowed local authorities to set limits higher in the future if it was appropriate.

**Tim Reardon**, replied he was correct.

**SENATOR HERTEL**, asked for an elaboration of urban districts.

**Tim Reardon**, said the definition was found in title 61.

**SENATOR HERTEL**, said in his area there were some small areas that did not have a speed limit at all.

**Tim Reardon**, said there was a default limit of 25 miles an hour.

**SENATOR STANG**, asked why in areas of the state that were growing where there hadn't been a speed study done, speed limits were being set at 55 miles per hour or at reasonable and prudent limit. He thought that was a contradiction to what he was saying.

**Tim Reardon**, said that when no special hazard exists, requiring a lower speed, a speed not in excess of the limits in this section, or established by the commission after a study, is 25 miles per hour in an urban district. He said that was all he knew.

**SENATOR COLE**, asked if there should be a sign in the areas where the default limit was 25 miles an hour.

**Tim Reardon**, said that was correct.

**SENATOR MOHL**, asked why this was not a part of the speed limit bill.

**SENATOR MAHLUM**, said the reason he brought the bill in was because the department had asked, and he was in favor of a speed limit.

**SENATOR MOHL**, said in his bill the default limit was 15 miles an hour and thought this bill wasn't necessary.

**Tim Reardon**, said when this bill was drafted the speed limit bill was not drafted.

**SENATOR MOHL**, said this bill would probably fall asleep.

**Connie Erickson**, said if both the bills were to pass, there would only be a conflict if they were making changes to the exact same thing. She didn't think that the speed limit bill addressed this issue.

**Closing by Sponsor:**

**SENATOR MAHLUM**, thanked the committee for a good hearing. He said the bill was designed to be beneficial to the department. He said the default limit would provide a realistic alternative to speed zone studies that often result in higher limits being set. Also

there would be no change in existing law, that would provide lower speeds in school zones and senior centers.

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**HEARING ON SB 421**

**Sponsor:** SENATOR DALE MAHLUM, SD 35, Missoula

**Proponents:**

Sue Akey, AAA

Aden Myre, MT Inn Keepers

Webb Brown, MT Chamber of Commerce

Amy Sullivan, Tourism Coalition

Evan Barrett, MT Economic Developers Association

Matthew Cohn, MT Department of Commerce

Marga Lincoln, Alternative Energy Resource Organization

Sharon McCabe, MT Historical Society

Tom Harrison, Lamar Advertising

Rose Magnuson, Byways Advocates

Pat Saindon, MT Department of Transportation

**Opponents:**

**Opening Statement by Sponsor:**

SENATOR MAHLUM, SD 35, Missoula, said SB 421 is like a bill last session called the Scenic Historic Byways Program. He said this was an act designed to highlight the features of our state as local communities so desire. He maintained that this program was not for all communities. He said as a matter of fact, on page 3 of the bill it states as designated by the commission. The advisory council of eleven members would recommend to the commission a section of road that a locality that is suitable for inclusion within the Scenic Historic Byways program. He expressed that the funding came from the State Special Revenue Fund. He also maintained it would not disrupt truck traffic in any way. Also protection of private property was ensured and would allow billboard advertising in compliance with federal law. He said the act was designed to provide a new experience for the traveling public and to stimulate economic development. This bill could be an effective tool in teaching future generations how to keep Montana's heritage alive and in good shape for future generations. He asked that these three words be remembered, eligibility, designation and implementation. These three words will make the program a success.

**Proponents' Testimony:**

**Sue Akey, AAA,** said government at all levels should identify and designate their scenic roads and recognize them as important resources, develop more roads where possible and protect them by establishing a system of scenic highways to be enjoyed by the motoring public. The reasonable needs of recreation and tourism on such roads, particularly access to and within the national park and forest lands, should be accommodated and promoted in a manner consistent with the need to protect the natural beauty of the system. She stood in support of the bill.

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**Aden Myre, MT Inn Keepers Association,** said she had been appointed by Governor Racicot in 1994 to the Scenic Byways advisory council. She said she had followed the issue very closely for the last couple years. She thought the changes that had been made were good. The inn keepers in the past were opposed to the bill, but after carefully looking at SB 421 she felt their concerns had been addressed and stood in support of the bill.

**Webb Brown, MT Chamber,** rose in support of the bill. They had some concerns in the past and did not want to see this impede commerce. He said he had the sponsor's assurance that wouldn't happen, so at this point they were in support.

**Amy Sullivan, MT Tourism Coalition,** stood in support of the bill for reasons already stated.

**Evan Barrett, Montana Economic Developers Association,** said the tourism economy needed to be continually invigorated in this state. He felt this program would provide those opportunities. He recommended the bill pass.

**Matthew Cohn, MT Department of Commerce,** went on record in favor of the bill.

**Marga Lincoln, Alternative Energy Resource Organization,** submitted written testimony. **EXHIBIT(his38a09)**

**Sharon McCabe, MT Historical Society,** said the society supported the bill for all the reasons already stated.

**Tom Harrison, Lamar Advertising,** said he was a proponent but did have some questions. He made the suggestion that the advisory council have a representative from retail businesses. He said they would also like to have outdoor advertising mentioned as a qualification. He suggested some further amendments for discussion in executive action.

**Rose Magnuson, Byways Advocates**, submitted written testimony.  
**EXHIBIT(his38a10)**

**Pat Saindon, MT Department of Transportation**, handed out a fact sheet and some proposed amendments. **EXHIBIT(his38a11)** and **EXHIBIT(his38a12)**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SENATOR JABS**, asked why they needed an 11 person advisory committee.

**SENATOR MAHLUM**, said that was probably what they used nationally.

**SENATOR HOLDEN**, said this was a conflict if you were a logger or miner. He asked if the industries standpoint was the same, as in the last two sessions.

**Kerry Hegergerg, MT Wood Products Association**, said they had expressed concern in the last sessions. He said they felt some degree of comfort that their concerns had been addressed in this bill. He said he really had appeared here today to monitor what people thought.

**SENATOR HOLDEN**, asked how much money the sponsor wanted.

**SENATOR MAHLUM**, said the money would come from the Highway Special Revenue Account. He said they needed \$20,000 to get going and after that federal transportation special revenue would add money to it. He maintained that once it got going there would be more money for it.

**SENATOR HOLDEN**, said the fiscal note talked about securing a grant. He wanted to know exactly where the 20% was coming from to match the grant.

**SENATOR MAHLUM**, said the most they would need was \$30,000 that would come from the Special Revenue Account.

**Pat Saindon**, replied that the \$30,000 dollars came from the Highway State Special Revenue Account. She said that the Governor had written a letter to say if a grant could be secured for a scenic byways program that the state would match it from the State Special Revenue Account.

**{Tape : 3; Side : B; Approx. Time Counter : 546; Comments : switch to tape 3.}**

**SENATOR HOLDEN**, commented that this bill would give the commission the authority to expend any funds appropriated or otherwise available to the Historic Byways Program. He wanted to know what any funds meant.

**Pat Saindon**, replied that would mean any funds that they secured under any special grants from the federal government.

**SENATOR HOLDEN**, asked if they were giving the commission the authority to expend funds, and the money was coming from the Special Revenue Account, would they be able to expend special revenue funds on this program.

**Pat Saindon**, said it would have to go through the department's budget, and she did not think they could find the money in the budget for that.

**SENATOR HOLDEN**, asked if this proposal was in the Governor's Executive Budget.

**Pat Saindon**, said she did not believe it was.

**SENATOR MOHL**, asked if they could get a copy of the federal regulations on scenic routes.

**Pat Saindon**, replied she would get that information for the committee.

**SENATOR MOHL**, asked what the bill meant by protection of private property rights.

**Pat Saindon**, thought this was trying to say the Department of Transportation could not use condemnation for scenic routes.

**SENATOR MOHL**, asked if the commission could.

**Pat Saindon**, said the commission was served strictly in an advisory capacity.

**SENATOR MOHL**, didn't think it was worded to guarantee private property rights. He wondered if you didn't depend on the federal fund where the money would come from.

**Pat Saindon**, said the Department would have to go after federal scenic byways money. She said there was not money in her Department for the program and was unsure of another alternative.

**SENATOR MOHL**, asked if the Department had made sure there was no conflict with the federal requirements, so this bill would not have to be amended in the future.

**Pat Saindon**, said she believed this bill followed federal guidelines.

**SENATOR COLE**, said he saw where money had gone into the Beartooth Highway. He wondered if that was a national road.

**Pat Saindon**, said that was prior to the National Scenic Byway Program.

**SENATOR COLE**, maintained then that the Beartooth Highway was not a designated national highway.

**Pat Saindon**, replied it was not. She said it did have a designation, but not under this program.

**SENATOR HOLDEN**, said he was still unclear what was going to be done with the money.

**SENATOR MAHLUM**, replied the money was required to do things with the program, such as highway pullouts.

**Sue Akey**, said there were certain requirements to receive the federal money. She said Pat would supply the committee with a full list before they took executive action.

**Rose Magnuson**, said the money was to be used for administration, promotion, development and implementation of the program.

**SENATOR MOHL**, asked the Department what roads would go without maintenance in order to fund this program.

**John Blacker, MT Department of Transportation**, said he did not have the answers he was looking for. He said as understood it not a whole lot more would be done to roads that were designated as scenic routes. He was unsure of the total effect, and he apologized.

**Pat Saindon**, said there was not \$30,000 dollars in the planning divisions budget for this program. She said this money would be special grant funds only used for implementing this program.

**Closing by Sponsor:**

**SENATOR MAHLUM**, thanked the committee for a thorough hearing. He answered some of the concerns that had been raised. He maintained that people from 49 other states come to visit Montana. He



believed this program would give communities a sense of value, accomplishment and pride. He hope this committee could agree with this proposal.

**EXECUTIVE ACTION ON SB 374**

**Motion:** SEN. SHEA moved that SB 374 BE TAKEN OFF THE TABLE.

**Discussion:**

**SENATOR SHEA**, explained the bill. She said she would really like to see the bill debated on the Floor and asked for the committee's concurrence.

**SENATOR TOWES**, asked why they would segregate one segment of society to say they were more special than anyone else.

**SENATOR HOLDEN**, said all he was able to negotiate was 5% to 7% over the limits. He believed everyone should be treated fairly.

**SENATOR SHEA**, said she was taking the lead and moving for 10% for garbage trucks which was applicable in everyone's area. She said they could at least debate it on the floor.

**Vote:** Motion carried 7-4.

**Motion/Vote:** SEN. SHEA moved that SB 374 DO PASS. Motion carried 7-4.

**EXECUTIVE ACTION ON SB 429**

**Motion:** SEN. SHEA moved that SB 429 DO PASS.

**Motion/Vote:** SEN. SHEA moved that AMENDMENT SB042901.AKW DO PASS. Motion carried 9-2 with DePratu and Mohl voting no.

**Motion/Vote:** SEN. SHEA moved that the BILL AS AMENDED DO PASS. Motion carried 10-1 with Toews voting no.

**EXECUTIVE ACTION ON SB 420**

**Motion:** SEN. HERTEL moved that SB 420 DO PASS.

**Discussion:**

Connie Erickson explained the amendment that the Department had requested.

**Motion/Vote:** SEN. HOLDEN moved that SB 420 BE AMENDED. Motion carried unanimously.

**Motion:** SEN. COLE moved that SB 420 DO PASS AS AMENDED.

**Discussion:**

SENATOR STANG, said he was concerned that there was no fiscal note.

SENATOR HOLDEN, asked SENATOR STANG, for further explanation.

SENATOR STANG, maintained that the amendment said they could raise the limit to 35 miles an hour without the concurrence of the local governing bodies. He said he was frustrated that there was no fiscal note. He continued that the when the Highway Department has a bill they want, the fiscal note doesn't exist, but when there is a bill that they don't like, they can make up a fiscal note to drive you out of this world. He said there was so much inconsistency, that he didn't think this was necessary.

SENATOR MOHL, said he was going to vote "no" on this bill as well. He believed the speed limit bill would cover the concerns that this bill was addressing.

**Motion/Vote:** SEN. DEPRATU moved that SB 420 BE TABLED. Motion carried 7-4.

**EXECUTIVE ACTION ON SB 427**

**Motion:** SEN. SHEA moved that SB 427 DO PASS.

**Discussion:**

SENATOR STANG, said he had been in this business for a long time. He said you were never exactly sure of the octane. He remarked that if this was passed, gas would cost a nickel a gallon more in Montana. He wanted that to be quite clear.

SENATOR HERTEL, asked if 85.5 octane fuel was sold in Kalispell.

**SENATOR MOHL**, replied that someone said it wasn't, but he thought it was.

**SENATOR DEPRATU**, thought he was correct, but couldn't say for sure.

**SENATOR JERGESON**, said he was irritated that the gentlemen from Conoco related that they charge as much in eastern Montana for 85.5 as they do for 87 in western Montana. He believed they were manipulating the prices to their advantage, and would use any excuse to raise prices.

**SENATOR HERTEL**, said he believed they were charging even less for the fuel they shipped to Washington.

**SENATOR STANG**, believed the gentleman from Conoco mis-spoke. He said in the last ten years, he had been buying gas from both Montana and Washington, he said the rack price was consistently four or five cents less in Washington.

**SENATOR ROUSH**, mentioned that stations in Montana purchased gas from Canada as well. He thought that somewhere down the road the should do a study on the cost of fuel in Montana. He said they vary across the state by 10 to 15 cents.

*{Tape : 3; Side : B; Approx. Time Counter : 630; Comments : turn tape}*

**Motion/Vote:** SEN. JABS moved that SB 427 BE TABLED. Motion carried 9-2 with Jergeson and Shea voting no.

#### **EXECUTIVE ACTION ON SB 475**

**Motion:** SEN. DEPRATU moved that SB 475 DO PASS.

**Motion:** SEN. DEPRATU moved that SB 475 BE AMENDED.

#### **Discussion:**

**Connie Erickson**, explained the amendment.

**SENATOR DEPRATU**, pointed out a technical amendment.

**SENATOR STANG**, said he had a problem with impounding someone's vehicle.

**Vote:** Motion carried 8-3 with Holden, Stang and Toews voting no.

**Motion:** SEN. DEPRATU moved that SB 475 DO PASS AS AMENDED.

**Discussion:**

**SENATOR DEPRATU**, said it was a catch 22 bill. It bothered him that they could run into someone and not have liability insurance, but on the hand if they take the vehicle away and they can't go to work, they can't buy insurance either. It was hard for him because generally this affected people who had special circumstances. He was unsure how to vote.

**SENATOR STANG**, said he had some concerns. He thought this bill might not have gotten the publicity it needed, being no one was there to testify to it. He thought he would probably vote no.

**SENATOR HOLDEN**, said they had dealt with this in Judiciary for quite a while. He believe this went exactly opposite of public sentiment. He maintained that driving was not a right but a privilege, and when that privilege was violated there were penalties. He could not support the bill.

**SENATOR JERGESON**, said he was unsure about the bill as well. He did think the change about imprisonment was good. He said he would vote to keep it alive long enough to explore some possibilities.

**Vote:** Motion failed 4-7.

**Motion/Vote:** SEN. TOEWS moved that SB 475 BE TABLED. Motion carried 7-3.

**ADJOURNMENT**

Adjournment: 6:40 P.M.

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

February 16, 1999

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SEN. ARNIE MOHL, Chairman

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PHOEBE OLSON, Secretary

AM/PO

**EXHIBIT** (his38aad)